

The Exact 9*th* Fe
Constable:
WITH HIS
ORIGINAL & POWER
IN THE
OFFICES

Of *Church wardens*, *Overseers*
of the Poor, *Surveyors of the High-*
wayes, *Treasurers* of the County
Stock, and other inferior Officers
as they are established, both by
the *Common Laws* and *Statutes* of
this Realm.

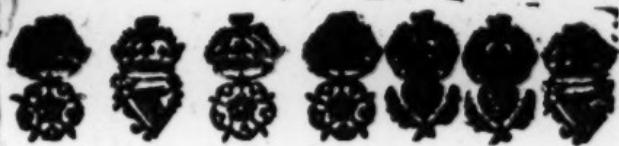
By E. W. of Grays-Inn Esq;
The second Edition, with
many useful Additions.

*Non nobis nati sumus, sed
partim Patriæ.*

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FH

MVSEVM
BRITANNICVM



TO THE READER.

IT may seem an impertinent attempt, to load you with this Treatise, there being already one in Print which carries the Face of the same design. But if you compare the Time and posture of affairs, which produced that Scheme of Laws with the present, which gives being to this, you may Ration ally

To the Reader.

honably conclude, that
those Rules for Govern-
ment in the Civil and Ec-
clesiastical affairs are no
more proper now then
(The keepers of the Li-
berty of England, &c.)
are to be the Supream
Magistrate: Those acts of
Obedience and Religion
which then were taken for
Graces, being now justly
condemned for Errours
and Vices. Not to re-
flect on the Author of the
former compilement, who
being circumscribed by
the wilful Dictates of the
persons then in power, was
out of fear or somewhat
else,

To the Reader.

else, forced to tune the Law as much as he could to their Tyrannical ears. Were he now to write on the same Subject, he could not, nor would have varied a Tittle in substance from what is now exposed to your view. But the same Garment which was made for a Monster, cannot fit a man. And therefore this which is here published, care hath been taken to comprehend all those Rules (and only those Rules) which by the ancient & modern Laws, those Officers to whom it is applied are obliged to observe.

To the Reader.

observe. How well it is performed, is submitted to your Judgment; The compiler having no other design, than to throw in his Mite towards the establishing the desired and admirable Government of this Nation, and to contribute his assistance to all those Loyal and Active subjects, who conform to, and act under the same.

The



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His Author hath in Print a very useful Piece, called *Justice Revived*; Or, The whole Office of a Country Justice of the Peace.

The



The Offices and Duties of
Constables, Church-
wardens, Overseers of
the Poor and High-
wayes, County-stock,
Treasurers, and divers
other petty Officers, as
they are established by
the common Lawes of
England.

Of Constables and their
Antiquity.

Constables were first
established by the
Statute of Win-
ston, I. and by
divers other Statutes
B since:

since: their Office is to be Attendants upon the Common-wealth for the maintenance of the Peace, and are to execute the Warrants and Precepts issuing out of Court-Leets, from Justices of Peace and Coroners within their precincts and liberties; *Lamb.* saith, a Constable in a hundred and *Franchise*, is the Kings Majesties immediate Officer for the support and maintenance of the Kings peace. There are two sorts of Constables; high Constables and petty Constables; the high

high Constables are for
the whole hundred ; and
comprehends many pari-
shes and villages : hereto-
fore there were two high
Constables in every hun-
dred, as you may read in
Lamb. and *Dalton* ; but
at this day, there is but
one ; the other kind are
petty Constables, and are
only for some part of a
Parish, Village, Hamlet
or Tything within the
Hundred ; for in every
Hundred there is a High
Constable, and every pet-
ty Tything within the
Hundred hath his petty
Constable, or Tything-

man or some under Officer, and the petty Constables command is in part of the High Constables jurisdiction, and his Office by the ancient common Lawes of this Realm is the same with the High Constable as far as his Precincts extend; in divers Counties they are called by several appellations, as in *Warwick-shire* Thirdborrow, in *Kent* Borsholder, and in other places Burrow-head or tythingman; and he that is so sworn, is in effect the petty Constable of the place.

In

In the beginning of
Edw. 3. were first appointed
petty Constables for
the aide and assistance of
the High Constables of
hundreds in their own
Tythings or Burrows; in
some parishes there are
Constables, but generally
in all there are Tything-
men or petty officers: in
some places the Tything-
man executes and com-
mands the precepts of the
Lord of a Mannor, and he
is chosen and sworn at the
Lords Court, and some
are chosen at the Court
Leet by the custome, and
they are not compelled

to do any thing, but what
time out of mind, they
have used to do: yet all
the aforementioned offi-
cers are comprehended
in this word Constable.

*Where High Constables
and petty Constables
are sworne.*

THe making of high
Constables, may
be by Justices of
Peace at quarter Sessions
or at the Leet, either by
the Steward or the grand
Inquest as the custome
is; heretofore they were
Sworne in the Sheriffs
Torne.

Torne. Petty Constables
are most properly chosen
by the Steward of the
Leet himself or the In-
quests presentment in the
Leet: yet they may be
chosen by Justices of *Peace*
in their quarter Sessions,
and as the custom of the
place is, for one or two
years, and do usually take
their Oathes where they
are chosen, or may, and
sometimes take their ^{Dalton.} P. 37.38.
Oaths before a Justice of
Peace at another time.

A petty Constable may ^{Lamb.}
be made by one Justice ^{duty of}
of Peace out of Sessions, ^{Con.} Cook 8.
as where one is chosen : ^{41. 42.} ^{Dal. 322.}

B 4 and ^{323.}

21. Edw. and upon good matter
 3. 2. shewed to the Justices, is
 Mant. ca. taken off, and another
 10. chose; or by death of the
 former Constable the Ju-
 stice puts in another, for
 a present supply, especi-
 ally when the Quarter
 Sessions or Leet are far
 off.

There must be fit per-
 sons chosen for the Con-
 stables Office, not Clergy
 men; for if they be cho-
 sen, they shall be dis-
 charged by Writ.

He must be a lay per-
 son, not a woman; for
 although a maid be a
 house-keeper or dwell in

a house where the owner
is usually to serve, the
office is not to be chosen
no more then a Widow
can do suit in a Leet.

He must be *Idoneus*,
one that in some mea-
sure hath knowledge to
understand what belongs
to his place; therefore an
Ideot or Infant cannot
serve.

He must be of known
honesty, one that will ex-
ecute his Office without
malice or partiality; for
a scandalous or contenti-
ous person cannot be fit, In Anno
neither can an old or de-^{1650.}
criped, sick, or an impo-

tent or poor man; It was commanded by the King as a special direction for the Justices to choose of the ablest of the inhabitants; Which if observed, would be a great furtherance to the course of Justice throughout his Majesties dominions; but it is the common course to put the Office upon the poorest and weaker sort, but they are mistaken; for all are compellable to serve this Office that shall be constrained to come to the Leet, except Sheriff, Lawyers, and Attournies, which are to

to attend in their several places and vocations, and if they should, the Law allowes them Writs to discharge them.

Where one is under 21 years, he shall not be compelled to serve; nor an old man above 70. years, but may sue out his Writ *Denon ponend. in assises. & Jurat. vide ff. 2 Herb. Nat. br.* And where a man hath Land in one Hundred, and lives in another, and is chosen to serve in the place where the Land lyes, if he hath no house where his land lyes, he shall not serve;

serve; for they are bound to serve in respect of their resiancy and not in respect of their Land ; but if he have houses in either, and lives sometimes at one, and sometimes at the other, he may be made one at either Leet.

If there be a man chosen either by Steward of the Leet, or by presentment there that is unfit, or by one Justice of Peace out of the Sessions, the Justices at the Sessions may remove him by their order, and a fit person shall be there elected and sworn ; but if he that is sworn

and sworne at the Leet be a fit
person, he cannot be re-
moved by the Justices,
but by the Lord chief
Justice of the Judges of
that Circuit, by the opi-
nion of all the Justices;
neither can custome or
prescription exempt any
man that is so chosen at
the Leet. And if any
man be fit and duly cho-
sen in the Leet, he shall
be there fined, if chosen
by one Justice out of Sessi-
ons, and he refuse to be
sworne, he may be fined
and indicted at the Sessi-
ons.

A Constable may make

a

a Deputy; for else how should the place be supplyed in case of sickness or other misfortune? but if there be negligence or misdemeanor committed by the Deputy, the Constable shall be respondent and answerable for them; Yet if the Deputy be a fit person and sworn into the place, the Deputy shall answer for himself; yet it hath been delivered for Law by the Judges, that this is rather a Tolleration then Law.

High Constables of Hundreds are conservators

w tors of the Peace in their
 Liberties and Precincts
 by the common Law of
England. 3 *Edw.* 4. 9.
Crompt. b. & 122. 11.
Hen. 7. fol. 18. There-
 fore the High Constables
 for any affray made at
 the petty Sessions, may
 imprison the Offenders.

Cook 11. 43, 44.

In the Limits of their
 several Towns are conser-
 vators of the Peace; all
 petty Constables *Virtute*
Officii, Bro. Peace. fol.
 127. *Tit.* Affray and for-
 cible entry; but they can-
 not take surety of the
 Peace, at the request of
 any

any man; yet they may *ex officio*, cause such as are in their presence, and are about to break the Peace, to find sureties for the Peace as well before the affray as after.

*12 Hen. 7. 18. Crom. b.
222.*

Any man that shall make an affray in the presence of the Constable or Borsholder, threaten to kill or beat another, or ready in an affray to break the Peace, the Constable or Borsholder shall commit them to the Stocks or to safe custody, and after carry them before

ex before a Justice, and refusing to give surety, may commit them to the Goal. 3 Hen. 4. 9, 10.

A Constable cannot take a Recognizance, because he is no Officer of Record; if an obligation, the question is how it shall be certified and intowhat Court; and that it should be inconvenient for to give Constables such authority, was the resolution of the Lord *Anderson*; yet there were other Justices of opinion, that though they could not take bayl nor Recognition; yet they might take

take surety by obligation; for the Peace was preserved by Constables long before Justices of Peace; but the ancient way of the keeping of the Peace, was by Writ out of the King's Bench or Chancery.

Where a Constable had found any brake the Peace, by the antient common Law it was thus; all such Offendors the Constable might imprison in the stocks, or at his own house, according to the quality of the person, until they had been bound by obligation with sureties

sureties to the King for the keeping of the Peace; which obligation was to be sealed and delivered to the Constable, to the Kings use, and the Constable was to send it into the Exchequer or Chancery, from whence process should be awarded to Levy the Debt, if the Peace were broken. *Vi-de Finch, Ch. 127.*

Any Constable, petty Constables Sheriff, Coroner or Justice of Peace, may by the ancient common Law, arrest or imprison all persons whatsoever that shall be violators of

of the Peace, in any of their presences, by virtue of their Offices within their Jurisdictions or Limits ; but they are to meddle only with affrays, assaults or batteries, or threatnings to break the Peace : and if they be negligent in their Offices, may be indicted and fined for the same.

And if they have committed or bound over any for breach of the Peace, they must attend the Goal delivery or Sessions of the Peace, to declare offences for which they were bound over or committed. The

of The Offices of Sheriffs,
the Coroners, Stewards, or
in the Sheriff's Torn of the
Li-Leet and of the Court of
to Pypowders, and all Ju-
ys, Slices of higher Courts
or were long before the con-
quest. *Vide Cook 49. pars*
in Prefacio.

In Lamb. 16. 17. you
may read of many others
who were by common
Law, that had the custo-
dy of the Peace, and
were nominated *Custos-*
des pacis; some were by
election, other by tenure,
others were by the Kings
Writ, and had their du-
ration for terme of their
lives,

lives, or *quamdiu se bene
gesserint*; but they are all
antiquated and obsolete.

A Constable may Arrest any that shall make any affray; if he flyes into a House and shuts the doors, he may Justifie his breaking open the doors; & if he flyes from thence in fresh suit, he may pursue him, though in an other County; and where two be a fighting, though no hurt done, he may apprehend them, and make them find sureties for the Peace; and if any be mortally wounded, he may carry him to the Goal;

Goal ; for he is not Baylable, for the fact is felony in case the Party dies within a Year and a day.

If any shall assault a Constable doing his Office, he may upon *se defend*, Justifie the killing of him, if he cannot otherwise avoid it.

If a man be taken in or near the high way Robbing, and be brought to a Constable, he must forthwith bring him before a Justice of Peace to be examined, and if he finds cause, have him to the Goal.

If any do suspect any
of

of murder or felony, he ought to bring him to the Constable, that he may have him before a Justice, with him that suspects him, that upon examination if it be found that there is any probability in it, the Constable may search for him; and a Constable may Arrest one that is indicted of felony upon his own authoritie.

If any fly for felony, it is the Office of the Constable to seiz his goods; for if they should be embezelled, he must answer for them; therefore it is best

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best to Inventory them
with the testimony of his
neighbours.

A Constable may com- ^{1 Hen. 7.}
mit any that he shall find ^{7.}
in adultery or fornicati-
on, taking company with
him to bear witness ; and
where he hath arrested
any, or hath in his custo-
dy any that ought to be
carried to Goal, he may
raise sufficient strength
for his safe carriage, or in
the interim commit to
custody, or to the Goal,
and the Goaler shall have
no fee at his reception.

When a Warrant shall ^{27 Hen.}
be directed to the Con- ^{7.39.}
C stable,

stable, or any other inferior officer under him, he must use all expedition and security for his apprehension, requiring him in the Kings name to go with him ; and if he shall deny, he may forthwith commit him to prison, & resisting or making an attempt to escape, may justify the beating of him ; and if he is willing to go, he may chuse what Justice he will go before ; but in case it be grounded upon a Writ of *Supplicavit*, the Delinquent is compellable to go before that Justice from whom

whom the Warrant came,
upon which the *Supplicavit* is grounded, and if he
refuseth, he may instantly
carry him to the Goal; and if the party goeth
before some other Justice
of Peace, and puts in
bayl in some of the
Courts at *Westminster*,
whereupon he hath a *Superfedeas*, the Constable
or inferiour Officer must
presently discharge him,
keeping the *Superfedeas*,
in case he be questioned
by the Justice from whom
the Warrant issued.

The 21. Jac. 8. men-
tions all *Superfedeases* to
be

be void, unless the process of the Peace or good behaviour , whereupon such *Supersedeas* is grounded, be granted upon motion in Court, with able Sureties, to appear to the Judges of the same Court, upon oath to be assed at five pounds land, or ten pounds goods in the Subsidy-book ; the oaths, and names , and places of such sureties shall be entered, and remain of Record in the same Court, unless it appears that the Judges from whence the *Supersedeas* issued, doth desire

desire such *superfedeas*,
bona fide, by some party
grieved in Court from
whence it came.

A Constable must take
special care, having ar-
rested any man, that he
doth not wittingly or neg-
ligently let him escape ;
look what offence the
party escaping is culpa-
ble of, the same is the
Constable or inferior
Officer that apprehends
him ; and it lyes in the
power of the Judges to
assess what Fine in their
discretion they think fit ;
and if the offence be ha-
nous, to the value of their
goods. C 3 In

11 Henry In London the Consta-
 4. 24. bles ought to be assistant
 Stanf. 35 to the Colledg of Physi-
 Physiti- tians within seven miles
 ans. thereof, for the due Ex-
 ecution of such Statutes
 as do concern Physicians,
 Apothecaries and *chi-
 rurgions*, as you may read
 in the Statutes of 14
 Hen.8. cap.4,5. 23 Hen.
 8. I.

A Constable may ar-
 rest any Purveyour that
 shall take any thing from
 any of the Kings Subjects,
 (unless it be for the Kings
 household) and if he ne-
 glect his office, he forfeits
 twenty pounds; neither
 can

Purvey-
 our
 23 Hen.
 8. 3.
 28 Hen.
 b.ca. I.

can he take any thing of any person, but by the delivery of the Mayor, Bayliffe, Constable, or other such Officer of the place from whence the thing is taken.

Where any shall take any thing for the Kings house, it must be done by Tailes, or Indentures sealed between the Owner and the Taker in the presence of the Constable or some other Officer, and the Owner to be satisfied for it, 10 Edw. 3. c. 4. 1. 10

No Taker shall take any kind of provisions whatsoever without a

Commission, and a blank
 for the County in which
 the said several things
 are taken, and the prizes
^{1 & 2}
^{Pbil. &}
^{Mar.c.9.} thereof shall be written,
 to which the Constable or
 other Officer shall put his
 Hand and Seal, and make
 a breviate thereof in
^{10 Edw.}
^{3. cap. 1.} writing, containing the
 provision so taken, upon
 pain of an hundred
 Marks, to give it the
 Constable or other Offi-
 cer, to deliver it to the
 Justices at the next Quar-
 ter Sessions.

^{20 Hen. 6.}
^{cap. 8.} If a Purveyor shall
 seize any thing to the
 Kings use, not exceeding
 forty

forty shillings, and shall not pay ready money for it, the owner of the goods taken may retain them; the Constable or other inferior Officer, being required, ought to aid and assist the party, whose goods are taken, upon the the penalty of the forfeiture of double the value.

Every Offender that shall be committed to the common Goal, his commitment shall be at his own charge, his goods shall be sold, and the overplus paid to him; if no goods, a tax shall be made ^{21.7 ac.} ^{28.37 ac.} ^{10.} by

by the Constable, and Church-wardens, and two or three other of the Inhabitants of the Parish where the Offender is taken, which being allowed by a Justice of Peace, if any that be taxed refuse to pay, by warrant from the Justice, the Constable or other Officer may distrain and sell the goods, rendering the overplus.

*Concerning the convey-
ning of Offenders
to Prison.*

Beggars & Rogues

*Concerning the execut-
ing of the Statute 7 Jac. 4.
against Vagabonds and
Rogues, the Justices are
to assemble twice a year ;
if occasion be, oftner ;
and*

and five dayes before the Justices may command the Constables and other inferiour Officers of all the Hundreds, Tythings and Parishes, to search for such persons , or any other suspected, within their Jurisdictions and Li- mits, and such as shall be found, bring to the said Justices ; if upon exami- nation they shall be found of a loose and idle life, by warrant they shall be sent to the House of cor- rection, there to be pu- nished, and set on work ; and the Constables must give an account under the hand

hand of the Minister of the Parish, what dissolute persons they have punished, or sent to the House of correction ; and if they neglect their duty, the Justices shall fine them, not exceeding forty shillings.

Prisoners. The Church-wardens of every Parish shall levy money for the relief of the Goal Prisoners, upon the penalty of five pounds to be paid every quarter to the High Constables ; and they must pay of the same at the next Quarter Sessions to the Receiver that shall be appointed by the

the Justices at their Sessions, upon the like penalty of five pounds.

High Constables ought to present to the Justices the defaults of Watches, & the Kings High-wayes, that there be no ditches or bushes within two hundred foot on every side of the High-wayes ; and likewise if any shall lodge Strangers for whom they will not answer ; by the Statute of *Winton*. and *13 Edw. I.*

Upon pain of forty Kings-Bench & Marshal-sey. shillings, the High Constable must at every Quarter Sessions pay the money

ney for maimed Soul-
ders, and likewise such
moneys to one of the
Treasurers of the Shire,
as the Church-wardens
have paid to him for the
Prisoners of the Marshal-
sey and Kings-Bench, up-
on pain of twenty shil-
lings, 43 Eliz. 3. 1 Jac. 25.

Recu-
sants

All popish Recusants
shall be presented by the
High Constables or
Church-wardens at the
Quarter-Sessions, that
come not to Church
monthly, and the names
of their children that are
nine years old and up-
wards, living with their
Parents,

Parents, and the names of their servants, upon the penalty of twentie shillings for every default: And if they be indicted and convicted, the Constable shall have out of their goods fourty shillings.

A Constable may com-
pel any Inn-keeper or
Victualer to lodge any
Traveller or Stranger, by
the Statute 5 Edw. 4. 3.

3 Car. I. By the 3 Car. 3. All Alehou-
that keep common Ale-
houses, that sell without
Licence, shall forfeit
twenty shillings, which
penal-

penalty, after warrant from the Mayor or Justices, shall be levyed by the Constables where the offence shall be committed, to the use of the poor of the same Parish by way of Distresse, and in default of payment to be sold within 3. dayes, rendring the overplus : It shall be a conviction if in the view of such Mayor, or Justice, confession, or upon the Oath of 2. Witnesses, which the Justices shall administer, and if the offendour have not goods, or pay not the penalty within six dayes, the Justices

stices may commit such offender to the Constable to be Whipped ; and if the Constable or Inferior Officer shall not execute the punishment, he shall be committed to the Goale, until the offender be punished as aforesaid, or until the Constable shall have paid for the neglect of his duty forty shillings, to the use of the poor of the Parish.

Servants that are retained in Husbandry, must be according to the Statute 5 Eliz. cap. 4. after such retainer, shall not depart till the time is expired,

Servants.

pired, or have a Testimo-
nial under the hand of
the Constable, or other
Officer, with two of the
Inhabitants of the Parish
where they last served ;
and such Testimonial
shall be dated by the Mi-
nister, taking two pence
for the Registering ; and
if he be retained in any
other service without such
Testimonial, he shall be
imprisoned till he procure
one ; if he get none with-
in twelve dayes next af-
ter his imprisonment, he
shall be Whipped as a
Vagabond.

Labour-
ers. All Artificers or Mecha-
nical

nical Tradesmen the Constable shall set on work in time of Corn or Hay Harvest, as are fit to labour by the day; and such as shall refuse, such Officer may imprison in the stocks two days and one night, upon the penalty of fourty shillings.

The Statute 2, and 3
Phil. and *Mar.* and 5 ^{High-}
Eliz. 13. enables the Con-
 stables or other Officers,
 with the Church-wardens,
 yearly upon *Tuesday* and
Wednesday in *Easter* week,
 to call the Parish together,
 and to elect two honest men of the Parish
 to

to be Surveyors of the High-wayes, for the repair of High-wayes leading to any Market Town, and to appoint six dayes for the repair of those High-wayes before *Midsomer* next ensuing, and to give notice the next *Sunday* after *Easter* six dayes, and by the Statutes above recited, must have one part of the Estate indented, and may call the Constable to an accompt for the forfeitures, for not amending the High-wayes, and may levi the same by Distresse, and sell the Distresse, returning the

(45)

the overplus, according to the Statute 18 *Eliz.* cap. 10. And if the Surveyors shall not have levied and employed the same within a year after the offence committed, shall render an accompt before two Justices of Peace.

By the Statute 18 *Eliz.* *Hedge-breakers.*
7. Constables may, or any inferior Minister, Whip breakers of Hedges, and robbers of Orchards and Gardens, stealers of Corn and Wood, as be committed to him by the Justice, and if they neglect their duty herein, the Justice

stice may commit them to
the common Goale till it
be performed.

Plague. Every Constable by
the Statute, i Jac. 31.
that neglects their Office
in the levying money; as
they are appointed by the
Justices, or other head
Officers of Towns incor-
porated, for the relief of
the poor infected with the
Plague, as it hath been
Taxed, forfeits for eve-
ry offence twenty shil-
lings, to the use of the
poor infected; and a Con-
stable or other Officer,
if the infection be out of
the Town Corporate, Pri-
vileged

viledged Place, or Market Town, may command persons infected to keep their houses; and if the persons will wilfully go abroad, it is lawful for the Watchmen with violence to enforce them; and if any person that is so infected, or having a sore running upon him, go abroad, for the said offence he shall be punished as a Vagabond, by the Statute 39 Eliz. 4. and to be bound to the good behaviour twelvemonths.

The Statute of 7 Jac. 11. does give power to Constables and other head Nets, and Setting-Dogs.

head Officers, being warranted by two Justices, to search the houses of persons suspected, except 40. *l. per annum* of inheritance, or worth 400. *l.* in goods, for Setting-Dogs, or that keep Nets to take Pheasants and Partridges, and may take their Dogs, and cut their Nets.

*Waits &
Measures*

The Statute of the 8 Hen. 6. c. 5. commands that there be in every City, Borough, and Market Town, Weights and Measures sealed, at which the Inhabitants may freely weigh. 11 Henry 7. 4.

Such

Such Merchandise shall
be forfeited of any
Wools, or other Mer-
chandise that shall be
shipped in any suspected
place adjoining to the
water, if there be not In-
dentures made between
the owner, the Mayor, or
Constable of that place,

14 Hen. 6. 5.

Every Mayor, Sheriff,
Bayliff, Constable, or any
other Minister of Justice,
within any of their Juris-
dictions or limits, upon the
pain of fourty shillings for
every default, ought to
search once every month
at the least, the places
D where

where any unlawful Games shall be used, and may arrest and imprison both the Keepers and the Gamesters; and if any of the Officers aforesaid shall know of any Tradesmen whatsoever, Mariner, Fisher-man, or Water-man, that doth play at Tables, Dice, Cards, Tennis, Quoiting, Loggating, or any other unlawful Game out of Christmases, or out of their Masters house in the Christmases, unlesse by the Masters license, that hath a 100. *l. per annum*, then such Officers may commit-

mit them to Ward, till he be bound to the King in such a sum as the Officer shall think fit, not to use the same again. 23. Hen.

8. 3.

By the Statute 21 Hen. Bridges

8. 3. four Justices are authorized to make a Tax of money for the repair of any decayed Bridge in the High-way; and this must be made by the Constable, or two of the sufficientest Inhabitants of the Parish.

The 23 Hen. 8. 4. gives vessels. power to all Mayors, Sheriffs, Bayliffs, and Constables, (where no Wardens

of Coopers be) to search,
view, and gage Barrells,
Kilderkins, Firkins, and
ether Vessels to be made
there, to have the advan-
tage as the Wardens of
Coopers in the City of
London hath.

Making
Malt.

The 27 *Eliz. cap. 14.*
doth enable the Consta-
bles of all Boroughs, or
Market Towns, to view,
search, and servey all such
Malt, to be made or sold ;
and if any made at any
time (except in *Jane, Ju-*
ly, and August) but it
shall have at the least
three weeks in the fat
floor steeping, and suffi-
cient

cient drying thereof in
the months aforesaid, se-
venteen dayes at the least;
and if any sold that is
good mingled with bad,
or made of Mow-burnt
Barley, or spired, or not
sufficiently well trodden,
rubbed, or fanned, where
half a peck of dust, or
more may be fanned out
of one Quarter, then may
the Constable, with the
advice of one Justice of
Peace of the same Coun-
ty, cause the Malt to be
sold to such persons at
reasonable prices, under
the common price of the
Market, as to his discreti-

on shall seem meet.

**County
stock.**

The 13 Eliz. 2. and 3. puts the power in the Constable and Church-wardens of each Parish, if the Parishioners disagree, to Rate and allot within their parish, their Assessment for the Shire-stock, wherewith the Parish was charged at the quarter Sessions, and may levy the same, upon any of the Parishioners by distress and sale of his goods, restoring the overplus to him.

Tippling. By the 21 Jac. 7. all Constables and Church-wardens shall in their Oaths

Oaths be charged to present the offences against the statute, i Jac. 9. Of all Inn-keepers and Ale-house-keepers, that suffers any to continue Tippling in their houses (except labouring men in dinner time, or lodger there, during their work, or upon sufficient grounds to be allowed by two Justices) forfeits ten shillings to the poor of the Parish ; or that shall vend or sell less then a full quart of the best Ale or Beer for a penny, forfeits twenty shillings to the said use, the offences viewed by

the Mayor, Bayliff or Justice in their several limits, or proved by the Oath of two witnesses, and according to the 21 Jac. 7. one witness or his own Oath is sufficient to convict any ; penalty is to be levied by the Constables or Church-wardens of the Parish where the offences are done ; in default of payment within six dayes, the distresse to be apprized and sold, and the overplus restored to the party, upon pain of fourty shillings to the use of the poor, if the duty be neglected.

The

The 1 Jac. 29. speaks virtual-
that all Justices of Peace, ing hou-
Mayors, Bayliffs, Head-
officers, and Constables ,
in Lent - time may enter
into all houses for Victua-
ling, and where any flesh
shall be suspected to be
dressed, and finding any
dressed in Lent-time, or
on Fish-days, (except pro-
vided for Ships, or killed
three days before Easter) may seize the same as for-
feited, and give it to the
poor.

In the 3 Jac. 4. the Statute enables Consta-
bles and Church-wardens to be present once every

Present-
ment of
Recus-
ances.

C 5 year

year at the Quarter Sessions, to present the monthly absence of Recusants from Church, and their Childrens Names, nine years old and upwards, living with their Parents, with their Servants, and in default thereof, forfeit twenty shillings; and if any of them be indicted and convicted, (not before convicted) shall have fourty shillings of the Recusants goods.

Sect. viii. The 3 Jac. 12. instructs the Constables & Churchwardens of all Market-Towns, Parishes, and Liberties, where any offence
is

is committed about the erecting new Wears along the Sea-shore, or in any Harbour, Haven or Creek, for the destruction of any Spawn or Sea-fish, in any Wear, or other Engine, within five miles of the mouth of any Haven, or with fishing with any Hay-net, or Drag-net, under three inches measl, may levy the forfeiture by distress, or sale of the offenders goods, returning the overplus.

The 7 Jac. 3. enjoynes Appre-
the Parson or Vicar of all tices.
Towns and Parishes, not
incorporate, with the Con-
stable

stables and Church-war-
ens, Collectors, with the
Overseers for the poor,
concerning money given
for binding Apprentices
of the poors Children
within their Parishes, and
they have the placing of
them; and to give such
monies with them as they
shall think fit, according
to the will of the donor;
and if they make default,
then every one so offend-
ing forfeits three pound:
and the Master, Mistriss,
or Dame of such Appren-
tices, shall be bound with
one or two sufficient sure-
ties in double the summe
they

they have received with
the Apprentices to the
Parson, Vicar, &c. to re-
pay the mony so received
at 7. years end, or with-
in three months next af-
ter. And if the Appren-
tice, Master or Mistriss,
happen to die within the
term, then within one
year next after such death
the Parson, Vicar, or Con-
stable, shall put forth
such moneys within three
months after their re-
ceipt ; and if there be
not fit persons to be *bound*
in the Townes and Pari-
shes, then in the next Pa-
rishes adjoyning the poor-
est

est Children may be placed by the discretion of the Parson, &c. And that no Apprentice be above fifteen years of age to be bound; and the Parson, Vicar, Constable, &c. shall every year in Easter-week, or within a month, give up his account before four, three or two Justices of the Peace inhabiting in or next to the said Towns and Parishes, for all such moneys as they have employed in binding of Apprentices; and of all Bonds and Obligations for the payment thereof: and

and the moneys remaining in their hands, they are at such accounts, often dayes after to deliver it to their Successors; or such as are in their places, with the bonds and moneys as they have in their hands not employed.

The 21 Jac. 29. doth Cursing enable all Officers, whether Justices of Peace, Mayors, Bayliffs, Constables, &c. where any shall swear or curse in the hearing of any of the aforesaid Officers, or shall by two witnesses, ~~or their own~~ confession before any officer

cer where the offence is committed, be convinced by this Act to minister an Oath ; the offender for every offence shall pay one shilling to the use of the poor of the said parish ; and it is warranted by this Statute, that the Constables, Church-wardens, and Overseers, may levy such sums of mony as shall be forfeited by distress or sale of the offenders goods, rendering the overplus ; and if he have no goods, and be above the age of 12 years, he shall be set in the stocks three hours ; if under the said

said age, and shall not instantly pay the 12 pence, then by a warrant from the Justice or head officer, &c. shall be whipped by the Constable, Parent or Master, in his presence; all offences against this Statute, shall be done within twenty days after the offence committed.

By the 1 Car. 1. there shall be no meetings or assemblies of the people out of their own parishes on the Lords day, for any sports or pastimes whatsoever, as Bear-baitings, Bull-baitings, or other unlawful Proph-
nning the Sabbath.

lawful sports or pastimes; if any offend herein, the forfeiture is 3*s.* 4*d.* to the use of the poor of the said parish where the offence is committed; it is a sufficient conviction if it be done in the presence of any officer, or confession of the offender, or one witness or more upon Oath: which the said Justice or any chief officer by this Act is authorized to administer; and if any of the said Officers find any person offending, by warrant under his hand and seal, to the Constables or Church-wardens of the

the parish where the offence is done, to levy the penalty by distress or sale of Goods, rendering the overplus to the offender ; in default of distress to put the offender in the Stocks three hours ; the offender must be prosecuted within one month.

The 3 Car. 1. punisheth all Carriers, Waggo-
ners, Carter, Wainman,
or Dровер that travels on
the Lords day, with the
forfeiture of 20s. and all
Butchers that kill or sell
any victuals upon that day
lose 6s. 8d. The summes
and penalties after con-
viction

Carrier
or Wag-
goner.

viction before a Justice of peace, or any other head-officer by warrant from the Justice, may be levyed by the Constable or Church-wardens, to the use of the poor where the offence is committed, by distress & sale of goods, rendering the overplus ; here the conviction shall be by view of the Justice or other head-officer, confession, or upon oath of two or more witnesses ; the offence to be prosecuted within six months.

of the Sabbath and
Holy days.

BY the Statute of the
2 and 3 of Edw. 6.
cap. 19. 1 Car. I. and
and 3 Car. II. The Con-
stable is enabled to re-
strain all concourses of
people, that come out of
the limits of their own
Parishes, for any pastimes
whatsoever; And that
there be not any Bare-
baiting, Bull-baiting, Enter-
ludes, Common-plays,
or unlawful Pastimes on
the Lords Day, and if
any offend herein, by the
view

view of one Justice of Peace in the County, or the chief Officer in a Corporation, by his own confession, or one witness upon Oath, before one Justice, or such an Officer, forfeits to the poors use, 3. shillings 4. pence, to be levyed by distresse and sale of goods of the Offendor, by warrant from the same Justice, or Officer, to the Constable or Church-wardens of the Parish; and in case no distress, the Offendor is to sit in the stocks 3. hours. The prosecution upon this Statute, must be within

in a month of the offence committed ; and in case the Officer be questioned , the General Issue is to be pleaded, and any special matter may be given in Evidence, 1 Car. I.

The 21 Jac. 7. says, all Drun-
persons that shall be kenned.
drunk, it shall be a con-
viction upon the view of
any Magistrate, confessi-
on, or one witnesse pro-
ving the same ; the for-
feiture is 5. shillings to be
paid within one week af-
ter the offence cōmitted
to the Church-wardens of
the Parish, to the use of the
poor ; in default of pay-
ment,

ment, to be levyed by distress or sale of the offendors goods, by warrant from the Justice before whom the conviction was; if the offendour is not able, to be set in the Stocks 6. hours; and if the Constable or other Officer neglect his duty herein in punishing, or levying the forfeiture according to the Act, he forfeits 10. shillings to the poors use, where the offence is committed, to be levyed by distress or sail of Goods, rendring the overplus to the offendour; And all persons that shall

shall continue tipling in any Inn , Victualling-house, or Ale-house in the same City, Town or Village where he inhabits, excepting handycrafts-men and travellers, upon working dayes, one hour at dinner, labourers and workmen, which for following their work, sojourn or lodge in such houses, other then for urgent occasions allowed by two Justices, & the same be seen by any Mayor, or other Head officer or J.of Peace within their limits, or by Oath of two Witnesses; but by the Statute

of 2 Jac. 5. the Magistrates view, his own confession, or one witness is sufficient to convict him ; the forfeiture is 3s. 4d. to the poors use where the offence is committed, to be levied as aforesaid ; and if the Offendor be not able to pay, to sit four hours in the Stocks ; all these offences are to be presented by the Constables or Church-wardens before the Justices of Assize in their circuits, Justices of peace in Sessions, Mayors, Bailiffs, and other Head-officers of Cities and Towns corporate, that have

have power to inquire of trespasses, and in Court Leets; they that shall be convict the second time, shall be bound with two Sureties in Ten pound, to be from thence of good behaviour, but none shall be punished by this Statute, unless he be presented, indicted, or convicted within 6 months after the offence committed; and the oath of him that confesseth the offence, shall be a conviction against any that offends at the same time.

to The Constables Oath.

You shall well and truly serve the Kings Majesty in the Office of a Constable, and shall see the Kings Peace to be well and truly kept to the utmost of your power; you shall arrest all such persons as in your presence shall ride or go armed offensively, or shall commit or make any riot, affray, or other breach of the peace; you shall do your best endeavour upon complaint to you made, to apprehend all Felons, Barrators, or Rioters, or persons riotously assembled; and

and if any such offenders
shall make resistance with
force, you shall levy Hue
and Cry, and shall pursue
them until they be taken;
you shall do your best en-
deavour that the watch in
your town be duly kept, &
that Hue and Cry be duly
pursued according to the
Statute; & that the Statute
made for punishing vag-
abonds, rogues, and night-
walkers, and such other
idle persons coming with-
in your liberties, be duly
put in execution; you shall
have a watchful eye to
such persons as shall man-
nage, or keep any common

house or place where un-lawful Games are used, or such as shall frequent such places contrary to the Statute; And you shall have a care for the maintaining of Archery. At your Assizes, Sessions, or Leet, you shall present all the Offences contrary to the Statutes, made and provided for the restraint of inordinate haunting, and tipling in Inns, Taverns, and Ale-houses, and other Victualling places for the repressing of Drunkenness, and profane Swearings; you shall true presentment make of all

all Blood-shedding, Af-
frayes, Out-cryes, Rescues,
or other Offences commit-
ted or done against the
Kings peace within your
limits; you shall well and
duly execute all Precepts
and Warrants to you di-
rected from the Justices
of Peace, and others who
have authority in this
County; you shall well
and truly, according to
your knowledge, power,
and ability, do and exe-
cute all other things be-
longing to the office of a
Constable, so long as you
shall continue in the said
office: So help you God.

E 4 Who

*Who be Rogues by the
Statute.*

Rogues.

ALL persons are *Rogues* above the age of seven years that shall call himself a Schollar, and go about a begging; Sea-faring-men not suffering Ship-wrack, or having a Justices testimonial of or neer the place where he landed, if he beggs, or exceeds the time of his Testimonial; all that begs, or uses any subtil craft, or unlawful Games or Playes; that pretends skill in Physiognomy and Palme-

Palmestry, foretels Destinies or Fortunes, wandring persons, that call themselves a Proctor, Procuror, Patent-gatherer, or Collector for any Goal or Hospitall, all Fencers, Bearwards, and Minstrels; all Juglers Tinkers, Pedlers, Petty-chapinen, or Glass-men that wander abroad; all common labourers wandring abroad, not having meanes to maintain themselves, being able of body to work, and refuse to work for lawful wages; all freed from prison, and begs for Fees; all that pretend

E 5. loss.

loss by Fire; all (not being a Fellow) that call themselves *Egyptians*. By the Statute 1 *Jac.* 31. such as go abroad wilfully, being infected with the Plague, and are commanded to keep their houses, although no sore about them; by the Statute of 39 *Eliz.* 4. they likewise are deemed, and taken to be incorrigible Rogues: the Constables and Tything-men of all Hundreds and Parishes shall upon the apprehending of such Rogues, with the aid of the Minister, and one of the Parish,

ap-

MUSEVM

[BRITANNICVM]

appoint such Rogues to be whipped until his body be bloody, and send him from Parish to Parish, by the officers to the place where he was born, if it may be known by his confession; if not, then to the Parish where he or she last dwelt by the space of a year; if that cannot be known, to the place where they passed last without punishment; and after such whipping, such Rogues shall have a Testimonial sealed and subscribed by the Constable or other Officer with the Minister, or any

two

two of them; the substance whereof shall be Registered by the Minister in a book upon pain of 5. shillings.

The manner of the Testimonial.

N. W. a sturdy Rogue
of middle stature, aged
16 years, describing the
private marks in his face,
and the manner of his
habit, with the place of
his birth and County, and
the day of the month
he was taken begging, and
was there lawfully whip-
ped; and is to travel the
direct

direct way, naming the place; and is allowed three dayes for his going home, and no more, at his peril; sealed and subscribed the day and year above written.

By us { A. B. Minister.
 W. A. Constable.
 W. E. Parishoner.

And such Rogues that fulfils not the contents of his Testimonials, then he or she shall be whipped in all places where default is made, till they repair to the place so appointed: And this Testimonial must be carried with

with them, and it is required to put down the several marks on the bodies of such Rogues, that the Officers may not be deceived: And if he will not be reformed, any two Justices of the Peace may commit him to the house of Correction, one being of the Quorum.

The Statute i *Jac. 7.* commands all persons to apprehend such Rogues or Vagabonds, as shall come to their Houses to beg Alms, and them to carry to the next Constable or Tythingman, upon the penalty of 20. shillings

lings for every default.

All Constables, Head-borrows and Tything-men, that shall make any default in the executing of their Offices, shall lose for every default ten shillings. And by the Statute, i Jac. 7. the Constable or Tything-man forfeits twenty shillings. And any other person that shall disturb any Officer in the execution of his Office against Rogues, shall forfeit for every default five pound, and be bound to his good behaviour.

All Constables and Tything-

thingmen, shall take and punish all Rogues and Beggars that shall be set a shore here from *Ireland, Scotland, and the Isle of Man*, till he come to the next Port or Parish, where he was first Landed, upon the forfeiture of ten shillings.

If a Rogue affirms that he was born in such a Town, in such a County, and it appears to the contrary, the Statute then terms him an incorrigible Rogue, and he is to be sent to the House of correction; and if there be no House of correction, then

then to the Goal until the next Sessions, and there to be ordered according to the Statute. If the Husband and Wife have a house, and they wander up and down the Country, they must be sent to the Town where the House is; and so must likewise Inmates: And the Wife and Children under seven years, must be sent to the Husband; if he be dead, then with the Wife where she was born or dwelt last; and the vagrant children above seven years of age, must be sent to the place
of

of their birth ; and if the vagrant Parents with their children under seven years old be placed at the place of their birth, or last place of their abode, if it shall happen afterwards that their Parents die there, or run away, yet the children once settled must there remain, though they grow to the age of seven years ; and if the Wife be a vagrant Rogue, they must be sent to the Husband, though a Servant in another place.

Where any not being Rogues, do travel with their children through any

ny parish, if Father or Mother die or run away, the place is not to keep them where they die, nor send them away, but only in charity, except they become wandring Beggars.

And where the Parents have work, they are to find their children with their labour; But where there is not sufficient, the Parish must bind them Apprentices according to the Statute.

None but vagrants shall be put out of the Parish where they dwell, nor relieved by the Town, except

cept impotent people, but ought to set themselves at work; if they cannot, the Overseers must set them at work; And all such persons as be of ability to work, are not to be sent to their place of birth, or last dwelling, by the space of a year, but to the house of correction, according to both the Statutes of the Poor, and Rogues; but if they have any lawful means to live on, though they work not, yet they shall not be sent.

If any Officer shall remove any out of the Parish

rish, that ought not to be put out, it is against the Statute that is provided for the relief of the poor, and ought to be fined, and if any have been so sent, they are to be sent back.

Where any is sent to a Parish where he ought, and he is refused, whether a sturdy Rogue or impotent, the forfeiture is five pound ; and he that is so sent, is to be left to the Church-wardens and Overseers ; And all Rogues must be sent by a Pasport and conveyed from Parish to Parish, as the Statute

tute requires, upon the penalty of five pound. And likewise where the Officer will not receive a Rogue to convey him to the place where he was born or last dwelt, the forfeiture is five pound.

None may be permitted to beg by the Highwayes, though in their Parish, nor to take relief at any mans door, in the same parish, unless by the appointment of the Overseers.

In the word Parents is meant a Father or a Grandfather, Mother or Grandmother, being able per-

persons ; and in the word Children, is any Child or Grand-child ; and all Parsons or Vicars, may relief the poor of their parish as well as others that dwell in the parish.

Where any man hath an impropriation of any Tythes, Cole-mynes or Lands in manual Occupation, is chargeable; and those that have saleable Woods, where they receive any annual benefit, shall be taxed to all the aforesaid payments ; and where there is but one Church-warden, it is sufficient to charge any person

son with the Overseers.

No Justice of the Peace are to meddle in the choosing of a Constable, either in Sessions, or out of Sessions, where it hath been time out of mind used in a Court Leet, unless there hath been some neglect, or misgovern-
ment in the said Court. The Kings-Bench is to decide the difference, if any Justice of Peace shall intermeddle to remove a Constable that hath been chosen by the Leet, and the Leet may put him in again. For there always hath been a question of
the

the Justices power herein,
as you may read, *Trin.*
9 Jac. Ban. Regis, and in
the Report of *Stiles* 362.

But it hath been agreed
by all the Judges, if the
Leet do not choose a fit
man Constable, or neglect
to give him his Oath, or
doth any unlawful act in
the choosing him, the Ju-
stices may choose one;
Steels Rep. 71. *Mich. 22.*
Car. Ban. Regis.

And if a Constable die
or be removed, then the
Leet, if near, may choose
one otherwayes; it must
be done by the Sessions,
or out of Sessions, by the

two next Justices, and the Lord (if any miscarriage be proved) shall loose his Leet; and this was the Resolution of all the Judges in 1633.

But now there is a provision made by the 14 Car. 2. that if such officer either remove or die, any of two next Justices, or any other two Justices may swear a new one to continue till the Leet or quarter Sessions, and then the Steward of the Leet or Justices, are to choose or swear an other. Or,

And if a Constable have served his Office a year,
the

the Justices at their Quarter Sessions may discharge him of the Office, and put in another till the next Court Leet.

You shall read *Trin. 9. Ban. Regis.* that where there is no Leet for the Hundred, the Justices shall make High Constables, and this hath been constantly done by the Justices.

Crook 1. part 283. sayes, that all Attorneys are privileged from serving any Office, and the reason is, because they attend the Kings Majesties Courts, and if any should

be chosen, the Law allows them a Writ.

And likewise every Servant of the Kings Majesties, in ordinary, are privileged, because they are alwayes supposed to be attendants upon his Person in his Court or affairs. *Vide Resol.* of the Judges, 1633.

And if any be chosen to the Office of Constable, and refuseth to serve, he shall be fined or imprisoned for his contempt, and the Judges of the Kings-Bench may compel him to it if he have not some legal impediment

pediment, *Vide Crook*

I. 409.

The office of a Constable of a Hundred, may not make a Deputy for the Execution of his Office, yet a Deputy may do many busineses in his Office in the Constables name, but the Constable shall be respondent for the same. *Vide Resol.*
Judges in 1663.

Where in some Parishes or Towns, the custom of the place is, that the Office shall go from house to house, is not good, but yet where there is a custome that every man

F 3, that

that is sufficient in the place, shall serve the Office, or find a man to do it, may be good,
Crook. I. 283.

A Constable of one Town shall not execute his office in another Town where he is not Constable, and the person that is so chosen must be *persona habilis & idonea:* Or else he may be removed. *vid. le Statutæ 10 Eliz. 4. 18.*

The Ministers Office.

THe Minister or Curate of every Parish ought to Register the Testimo-

stimonial of every Servant at his departure out of his service, and two pence is allowed for the Registering.

He is to aid the Constable or Tythingman in the whipping of all Rogues, and to Register them, and to send a Testimonial with the Rogue after he is whipped, upon the forfeiture of five shillings for every default.

He hath power to give Licence to any that is sick during the time of his sickness, to eat flesh upon days prohibited, and shall have four pence for

Licence
to eat
flesh.

Registering the same in the Church book, if the parties sickness continues above nine days after the Licence granted : But the Statute *i Jac. 29.* that no sick person by vertue of *5 Eliz. 5.* is warranted to eat any Butchers meat in Lent, or any other dayes prohibited, but the sick person may incurre the penalty of the said Statute.

Coming
to
Church.

If any person shall after notice given by the Minister, Curate, or Church-wardens, maintain or keep in his house, or any where under his tuiti-

tuition, any person that wilfully refuseth to come to Church, forfeits ten pound for every month; and by 35 Eliz. i. the Minister or Curate of the Parish may require any person within three months after his conviction, to make publick confession and submissi-
on in the time of Divine Service on a Sunday or Holy day.

The 35 Eliz. 5. gives power to the Minister or Curate of the Parish, and to the Constable and Tythingman of any Town, to which any Récusant is

sent, to enter the same into a book to be kept for the purpose, and shall certifie the same at the next Quarter Sessions for that County.

Solem-
nizing
the 5. of
Novem-
ber.

By the Statute of the 3. of King Jac. all Ministers after morning Prayer or Preaching, shall publickly and distinctly read the said Statute concerning the miraculous delivery of the King and State from the Powder-Treason, giving to Almighty God a Solemn Thanksgiving annually, in all Churches within his Majesties Dominions.

He

He that shall wilfully
disturb a Preacher in his
preaching, or shall rescue
him that hath so done;
a Justice upon complaint
only, for six dayes, may
commit him to custody;
but after the six dayes,
two Justices must take the
examination, and finding
it either by his own con-
fession, or proof, or by
two witnesses that he is
guilty, may commit him
to prison for 3. months.

*Vide le Statute, 2 Phil.
& Mar. cap. 3.*

But this Act mentions
not whether the evidence
shall be by Oath, nor im-
power.

powers the Justice to give an Oath, and therefore it is the surest way, to leave the Offendors punishment to the Sessions.

And if an Offendor against this Act, doth make an escape, the Town where he escapeth, shall be punished. But no mention is made in the said Act, whether the evidence shall be by Oath; neither are the Justices impowered to give an Oath; Therefore it is the best way to leave the Offendor to the Sessions.

Where any man shall affront,

affront, threaten, or force any Minister to use any other Service, or hinder him in doing the Service according to the Book of Common-prayer (that is by sundry Acts established.) For the 1. offence, shall pay 100. Marks, for default of paying within six weeks after conviction, imprisonment without Bayl. For the 2. offence 400. Marks, non-payment in six weeks, 12. months imprisonment without Bayl. For the 3. offence, the loss of all his Goods, and Chattels, and Imprisonment during life.

By

By the 2 and 3 Edw. 6. the first offence is ten pound, and for non-payment after conviction, Imprisonment 3. months without Bayl. For the 2. offence, 20. pound, which if not paid in six weeks after Conviction, imprisonment six months without bayl. 3. Offence the loss of all his goods and chattels, and imprisonment during life.

A CONVENTICLE.

The definition
of a Con-
venticle.

A Conventicle is described by the Canon, to be a meeting of Mini-

Ministers or others, to consult about any thing that shall tend to the deprivation, impeachment, or abuse of the Doctrine of the Church of *England*, or of the Book of Common-Prayer, or of any part of the Discipline, or Government of the Church, and by the Cannon the punishment is Excommunication, *ipso facto Can.* 73.

Vide le Statute 35 Elizabeth 1. punishes all persons that obstinately do refuse to come to Church, and perswade others to impugne the Queens authority.

thority in the Law Ecclesiastical, and to avoid the inconveniences of the dangerous practises of seditious, schismatical and disloyal sectaries, or meetings of people, under colour or pretence of any exercise of Religion, contrary to the Lawes and Statutes, *Vide Lamberts Justice of Peace*; in title *Commission of the Peace*: There he describes it to be a meeting under colour of exercise of Religion, to oppose the Kings Authority in causes Ecclesiastical, or against the Laws and Statutes of the Realm.

By

By this Statute, the Constable is commanded to go where he hears their Meetings are, and to carry them before the next Justice, and after being thereof convicted, is to be committed to Prison, and there to remain without Bayl, till he conform or come to some Church, Chapel, or Place of Common-Prayer, to hear Divine Service according to the Laws and Statutes; And being so convicted of this offence, shall refuse to conform, and come to Church, and to make his submission within

within 3. months after,
being required by the Bi-
shop of the Diocess, Mini-
ster of the place, or one
Justice of the County
where he lives, then such
person at the quarter Ses-
sions, or Assizes, shall there
take his Oath to abjure
the Realme for ever, un-
less Licensed by the King
and his Council to return.
And his Abjuration shall
be certified by the Justices
to the Judges of Goal-
delivery, and if he refuse
to abjure, or departing,
return without the Kings
License, shall suffer as a
Fellow.

It

It is further explained by the said Statute, that he that shall abjure, or shall refuse so to abjure, being required, shall forfeit all his good and chattels for ever, and lose all his Lands and Tenements for life, and no longer; but no loss of Dower or Corruption of blood, to be in this case.

*The Church - Wardens
Duty.*

BY the Statute 12 Hen. 7. ^{Their of-} infine Church-war-
dens by the common Law ^{fice by the com-}
^{monlaw.} of

of *England*, are taken by
way of favour to the
Church to divers purpo-
ses, and as it were for a
Corporation, being ena-
bled to take Moneys,
Goods and Chattels, and
may Sue and be Sued
for them to the use and
profits of the Parish, so
that any man may in
the time of his Life, or
by his last Will, give and
bequeath moneys, or o-
ther moveable goods, ei-
ther to the Church-war-
dens, or to the Parishio-
ners of a Parish for the
separation of the Church,
or for the buying of
Books.

Books, Communion Cups,
or other Ornaments for
the Church; and the Law
so favourably doth take
it, that its not materially
needful to express it in
apt words or writing; as
for example, if one give
a Bell, and hang it up in
the Steeple, or make a
Pew in the Church, and
makes no word of writing
thereof, yet it is by this
Dedicated and given to
the Church: *Lib. intra.
fal. 570. 11 Hen. 4. 12.*

8 Hen. 7. 12. ~~dedicated to~~
The Church - wardens
may maintain an appeal
of Robbery, against him
that

that steals any thing out of the Church, being once in the possession thereof, or an action of trespass, as you may read 37 Hen. 6. 30. and 34. 11 Hen. 4. 12. 8 Edw. 4. 16. and if the Parson or Vicar shall take any of the Goods belonging to the Church, the Church-wardens may bring their Action, and recover damage to the use of the Parish ; and if those Church-wardens dye before the Action be brought, or the Goods for which they sue be recovered, their successors may bring their Action. And

And if any of the Church-wardens do waste the Goods of the Church, the Parish may put out those and choose new, and the new Church-war-dens may bring an action of Accompt against the old, and compel them to make satisfaction to the parish for the wrong they have sustained during their office; and although the custom of some parishes is to continue them, some one year, some two years, some three years; yet upon any default in them, the parishioners may at any time when they

they please proceed to a new Election, and call them to an account; yet shall the former Churchwardens have an allowance of all such summes of money as they have needfully expended upon the Church, or upon meet and lawful Ornaments; and this they are compellable to do by the Laws Ecclesiastical; and they shall have allowance of moneys upon their Accompts that they have paid for the relief of prisoners in the common Goal, as you may see in the Statute 14 Eliz. cap. 5. and

a and of any other thing
 all the Law charges them to
 do; but in Lands, or the
 profits thereof they must
 not meddle at all; as if
 the walls, windows, or
 doors of the Church be
 broken, or trees in the
 church-yard be cut down,
 or Grass eaten up; but
 this belongs properly to
 the Parson or Vicar, as
 you may see in the Sta-
 tute, 11 Hen. 3. 13.
 12 Hen. 7. 77. 13 Hen.
 7. 9.

All persons shall repair Coming
 to their parish Church, ex- to
 cept they shall be hindred Church.
 by sickness, or any other
 G law-

lawful excuse, or to some other place where the Common-Prayer is used upon Sundays or other days, which are usually to be kept Holy, and shall then and there sit orderly during the time of Common-Prayer and Preaching, upon pain to be punished, according to the Churches censure, and upon the forfeiture of twelve pence for every person so offending, to be by the Church-wardens, levyed to the poors use, of their Goods, Lands, and Tenements; *vid.*

I Eliz. cap. 2.

The

The Constables and High-
Church-wardens of all
Parishes, shall every year
on Tuesday & Wednesday in Easter week, call
the Parishioners together
choosing then two honest
Surveyors of the High-
ways, of the said Parish,
for the year ensuing,
which leads to any Mar-
ket Town; if they re-
fuse the execution of the
office, they shall forfeit
twenty shillings; The
Constables and Church-
wardens shall then name
six days for the amend-
ment of the said ways
before *Midsummer* next,

G 2 giving

giving knowledge of the said six days the next Sunday after *Easter*, and shall call the Constable to an account, having one part of the Eſtreats indented.

Eating
fleſh.

Where any shall eat flesh, either in Lent, or any other days obſerved for Fish-days, he forfeits three pound for every offence, or ſhall ſuffer three months imprisonment; and every person in whose house any offence ſhall be done, being privy, and having knowledge thereof, not diſclosing the ſame to an officer that hath power to punish

punish, shall forfeit for every offence fourty shillings; the third part of all the forfeits shall be to the use of the poor of the Parish, where the offence is committed; after conviction, to be levyed by the Church-wardens, as you may read, 5 Eliz. cap. 5.

All Licences that are to be given by the Bishop of the Diocese, or by the Parson, Vicar or Curate, in case of sickness, ought to be Registered, if the sickness continue above 8. days after it is granted, in the Church-Book, with

Licence
to eat
flesh.

the privity of one of the Church-wardens there, and the party that is Licensed, shall give four pence for it. *vid. 5 Eliz. 5.* the duties of Ministers before.

Poor.

A Justice of Peace may appoint the Church-war-dens, and 4, 3, or 2 of the Parish, to be overseers of the poor; and they may by consent of the Major part of them, take order for the setting mar-ried or unmarried persons on work, that have no means or ordinary trade to live by; and the Chil-dren of such Parents as shall

shall be unable to maintain them, and may set up any Trade or Mystery for that purpose, and may Tax as well Inhabitants as Occupiers of Lands in the Parish to pay weekly such summs of moneys as they shall think meet for a stock, for the releif of the impotent poor there, & for to put out Apprentices of such Children; And they to whom they shall be put, shall take, receive, and keep them as Apprentices, and may do any thing concerning the premises, as they shall think meet, *vid.* i *Jac.*

51. 2 Jac. 28. 3 Car. 4:

The Church-wardens, and Overseers shall render an account before two Justices of Peace of their Money, stock and other things concerning their Office, and such Moneys as shall be remaining in their hands, to the new ones that are chosen in their places, upon the forfeiture of twenty shillings, for every monthly default, without cause to be shewn and allowed by two Justices.

The Church - wardens and Overseers are impowered by the said Statute,

tute, by warrant under two Justices hands, to levy all taxations by distress and sale of their goods, as shall be found in default, rendring the overplus to the party, and may with the License of the Lord of the Mannor erect convenient houses for the poor of their parish at their general charges; and when the yearly Stock is assessed by the Justices at the quarter Sessions, it shall be by the agreement of all the parish; and in default, by the Church-wardens and Constables of the Parish,

or the Major part of them, who may levy the same by distress and sale of the goods of such as refuse to pay their part, rendering the overplus to the owners ; and the Churchwardens or Overseers must pay it to the high Constable within whose limit the Parish is situate ten dayes before the end of every quarter Sessions, such Moneys as the Parish ought to pay for the relief of the prison in the Marshalsey, and Kings Bench, upon the pain of ten shillings for every default of payment.

By

By the 43 *Eliz. cap. 3.* Souldiers if the Parishioners agree not to the rate for the maintenance of disabled souldiers, the Church-warden and Constables of the Parish, or the Major part of them may levy such rates by distress and sale of their Goods, of any that refuse to pay, rendering the overplus; which must be collected and paid over to the High Constable, within whose Hundred the Parish is; and all such summs of Moneys as are collected ten days before every quarter Sessions of the peace.

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peace upon the penalty
of twenty shillings for e-
very default.

The Statute of 1 Jac.
cap. 9. says, that if Con-
stables and Church-war-
dens neglect their office
in punishing Inn-keepers,
Viciuallers, and Ale-hou-
ses, by the space of twen-
ty days in certifying their
defaults, they shall for-
feit twenty shillings to the
poors use.

The Statute of 1 Jac.
cap. 27. inhibits all per-
sons to keep any Grey-
hound for the courfing of
any Hair or Deer, or any
setting Dogs, or Nets for
the

the taking of any Phe-
sants or Partridges; the
Church-wardens have po-
wer by this Act, where
the offence is commit-
ted, to receive to the use
of the poor of the Parish
fourty shillings. 3 Jac.
cap.4. enables the Church-
wardens and Constables
of all Towns, and Pa-
rishes, to present in the
quarter Sessions, or at the
Assizes, the monthly ab-
sence of Recusants from
Church; and they are to
certifie the names of their
children above nine years
old, and the names of
their Servants, upon the
for-

forfeiture of twenty shillings; and if upon the Inditement they be convicted, they shall have forty shillings out of their goods; and the Churchwardens may by Warrant from one Justice of Peace, levie to the use of the poor, the offenders Goods, by distress or sale, rendering the overplus; and the forfeiture is 12. pence for every default, in not coming to Church every Sunday, according to the Statute I Eliz. cap. 2.

Absence
from
Church.

By the Statute of I Eliz. cap. 2. the Church-war-dens may levie to the use of

of the poor, where the default is, twelve pence; by warrant from one Justice of Peace, by sale of the Goods of the offend-
or, rendring the over-
plus, for not coming to Church every Sabbath day.

The Statute of 3 Jac. Offenders cap. 10. says, that the Conveyed to prison. Constable and Church- warden with two or three of the Parishioners may make a Tax, where an offender is committed to prison, and hath not sufficient for his conduction thither.

The Statute of 21 J. 18. Clothing says,

says, the Clothier that makes any cloth that is not good and warrantable by that Statute, forfeits five pound by a warrant from two Justices or more ; the Church-wardens and Overseers of the poor of the Parish where the default is committed, may levie the penalty for every cloth deceitfully made, by distresse and sale of their Goods, rendring the overplus ; the distribution is to the poor of the said Parish ; and where no distress is, the offender shall be committed to the Goal, until pay-

payment be made to the Church-wardens and Overseers, to the use above-said : And they to be accountable for those moneys, as they are for other moneys, which is by them collected for the poor ; *vid. 43 Eliz. cap. 3.* and by the Statute 21 *Jac. cap. 18.* Two third parts of the forfeitures for want of length, breadth, or weight of Cloths by any other Statute now in force, shall be levied, distributed, and accounted as the forfeiture aforesaid.

of

Of Quakers.

The definition of
a Quaker

THE Statute of the 14 Car. I. cap. 2. sayes, that Quakers by this Act, are such persons as holds dangerous Opinions, and such as holds, that the taking of an Oath in any case whatsoever, although before a lawful Magistrate, is altogether unlawful, and contrary to the Word of God; And do refuse an Oath lawfully tendered.

That if any person who shall maintain, that the taking of an Oath in any case

case whatsoever, before
a lawful Magistrate is un-
lawful, and against the
Word of God, and shall
wilfully refuse an Oath,
that by the Law he is
bound to take, being du-
ly tendred to him; or shall
perswade or endeavour to
perswade any other per-
son to whom it shall be
tendred, to refuse to take
it; or shall by Printing,
Writing, or otherwise go
about to maintain or de-
fend that the taking of it
is unlawful; or the said per-
sons called by the name of
Quakers, shall go from
the places of their dwel-
lings,

lings, and assemble to the number of 5. or more, of 16. years old and upwards at one time, and in one place, under pretence of joyning in a Religious worship (not Authorized by the Law of the Realm) being convict by the verdict of 12. men, or his own confession, or the notorious evidence of the Fact ; For the first offence shall forfeit any summe, not above five pound, to be levied by distress and sale of his Goods, by warrant of the parties before whom the conviction, shall be for want of distress or non-

non-payment in a week,
to be committed to the
common Goal, or House
of Correction for three
months without Bayl, to
be kept at hard labour.

For the second offence,
the forfeiture is 10. pound
by distress, to be levied
as aforesaid, for non-pay-
ment in that time, to be
committed 6. months to
the places before menti-
oned ; the moneys to go
for a stock to the House
of Correction, as the Ju-
stices shall appoint. The
3. offence is Abjuration,
after a 2. Correction, or
at his Majesties pleasure
to

to be transported to any
of his Plantations beyond
Sea.

The Judge of Assize of
Oyer, or Terminer, and
Justices of Peace in their
open and general Sessi-
ons, may hear and deter-
mine these offences, and
as in cases of trespass, and
may make out process in
order to their conviction;
any Justice of Peace,
Mayor or chief Officer,
may commit to the Goal,
or bind over with sureties
to the quarter Sessions, a-
ny offending in the pre-
mises; and the Consta-
ble is the immediate offi-

cer to make diligent search in all places within his jurisdiction, for the apprehension.

He that shall take the Oath that he formerly refused, giving security not to meet again, although convicted, shall be discharged.

of Supervisors, Surveyors, and Orderers for the High-ways.

BY the Statutes 2 and High-
3 of P. and M. cap. wayes.
8. 5. Eliz. cap. 13. 18.
Elia. cap. 18. Every per-
son upon six days appoint-
ted

ted for working in the High-ways, that hath a plough-land either in tillage or pasture, in occupation in the same parish, and every other person keeping there a plough or draught, shall find and send at every day and place appointed for the amending of the ways in the Parish aforesaid, one Wain or Cart furnished with Oxen, Horses, or other cattle, with other necessaries convenient for that purpose, and two able men with the same upon forfeiture of ten shillings; and every Cot-tager

Cottager and Labourer
of the said Parish, that is
not a servant hired by the
year, shal labour upon eve-
ry of the said 6. days: The
default of every person for
every day, is 12. pence;
and if there shall be no
need of any of the said
carriages, then the persons
that should have sent
them, shall send to the
said work, to able men
for every carriage so spa-
red, upon the pain of one
shilling for every one that
shall make default: bring-
ing with them all things
materials for such ser-
vice; and all shall work

H by

by the space of eight hours, unless they shall be other-ways licensed by said Supervisors, or any one of them ; and it shall and may be lawful for any of the Supervisors, or any one of them, according to the 2 and 3 of *Phil.* and *Mar.* for the better amendment of the Highways, within the limits of the said Parish, to give power to any to take and carry away any rubbish, or any broken stones of any Quarry that shall lye within the Parish, without license or controlement of the owner or owners,

so much as in their discretion shall seem meet and necessary; and for default of such Quarries, the Supervisors or Overseers, may appoint any to dig gravel or sand in any grounds lying next the High-ways, within the said Parish, so much as they shall think meet and necessary for the reparations aforesaid ; or any stones , or other stuffe where heretofore they have usually digged.

It is provided in the said Act, that the Supervisors shall not dig in any Quarry or Quarries, but House,
Garden
or Or-
chard.

shall take such rubbish or other materials, fit and useful for the High-ways, as there shall be found without the license and commandment of the owners; neither impower any to digg any gravel, sand, of any other thing, in the house, garden, orchard or meddow of any person or persons whatsoever; neither in any inclosed ground, then only one hole or pit for gravel as afore declared, in breadth or length, above ten yards at the most; and then that every such pit so digged, the Supervisor

visor or Supervisors shall within one month after, cause to be filled up with earth, at the cost and charges of the said parish, upon the forfeiture of five marks to the owner or owners of the soyle.

By the Statute 5 *Eliz.* Water-
cap. 15. where any water-
course shall be in any
ditch or ditches of the
High-ways, it shall and
may be lawful for the Su-
pervisor or Supervisors, to
turn the same into any
mans ground, or soyl in
such ways, and manner,
as to their discretion shall
seem most meet and con-

H 3 veni-

venient; and the Supervisor or Supervisors, by force of this Act, may within one month after any default, present the said offence to the next Justice of Peace, upon the forfeiture of fourty shillings.

Land in
several
Parishes.

The 18 *Eliz.* cap. 10. declares that every person or persons, (except such as dwell in the City of *London*) that shall be assessed to any subsidies in Kings books to five pound in Goods, or fourty shillings in Lands or above, during the time he shall stand so charged, and being

ing none of the parties so charged for the amendment of the High-ways, by any other Act, but as a Cottager, shall find two able men yearly to labour in the High-ways, as is limited and appointed by the said Acts; and all persons that shall use or occupy either in tillage or pasture, any plough-land that lies in several parishes, shall be chargeable to the ways in the parish where he inhabits, as far forth as any person having a plough-land in any one parish ; and every person or persons, that shall use

any plough-lands in several Towns or Parishes, shall find in each Town or Parish one Cart-wain, Dung-pot or Dragg, furnished for the amendment of the high-ways within the several parishes where the land lyes, in the same manner as if he were an inhabitant in the said Parish.

**Scowring
Ditches.**

The 5 of *Eliz.* makes mention, that every person or persons that repairs not, or scowrs not his Ditches or Hedges adjoining to the High-way, or leading to any Fair or Market, or cuts down or keeps

keeps under his Trees or Bushes growing next the High-ways, shall forfeit or lose for every default ten shillings.

And all and every person or persons that shall use any lands next the High-way, or leading to any Fayr or Market , that scowr not the Ditches as oft as need shall require, whereby the water may be conveyed from the High-way , over the ground next adjoyning, may pass over the ground next, upon the forfeiture for every Rod next adjoyning , not cleansed

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and scoured, twelve pence.

If any person or persons
Banks in
High-
wayes: that shall cast any foyl or
make any dung in any
High-way leading to any
Fayr or Market-Town,
letting it lye there by the
space of six monthes to
the annoyance of the way,
the Inhabitant shall for-
feit every load there lye-
ing twelve pence. And
where any hath been cast
into the Highway leading
to a Fayre or Market
Town, so that there is a
bank between the land
Way and Ditch, the Sur-
veyours or Workmen ap-
pointed

pointed for the amendment of the High-ways, are to make Sluces or other devices by their dispositions to convey the water out of the said way into the Ditch, any law, right, Interest, Custome or usuage to the contrary notwithstanding.

The Surveyor, or Surveyors have power by this Statute to levy every sum or sums of money forfeited within the parish, by distress in the same manner as Fines, or Amercements in Court-Leets have been used; and the money to be employed upon the High-ways in default of Surveyors, Constables or Church-wardens may.

High-way that leads to any Fayr or Market-Town where the offence is committed; if the Surveyors do not levy and employ it within one year after the offence is committed; that then the sums or forfeitures shall be levyed by the Constables or Church-wardens of the Parish where the work ought to be done in the High-way; and that then he or they that shall levie any such penalties or forfeitures, shall make their account as the afore-mentioned Statutes recite.

The

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The Statute 39 Eliz. 2:

cap. 19. enables the Surveyors within the Countie Iron-works.
of Kent, Sussex, and Surry, where the High-waies shall be most annoyed, where the Justices have not assigned in what place or places of the High-waies there shall be carried Gravel, Stone, or Chaulk, to appoint the Occupiers of the Iron-works to carrie the same, upon the penaltie of forty shillings; and the Surveyors shall make demands of all the forfeitures of money to be paid in default of such Carriages;

ages; and shall make a true presentment of all such defaults of payment at the next Quarter-Sessions of the Countie, upon the same penalty of fourtie shillings.

of the destruction of noysom Fowl and Vermin.

The Statutes 18 Eliz.
cap. 15. 14 Eliz. ca.
11. 39 Eliz. cap. 18. 24
Hen. 8. appoints distributors, and gives them orders to pay those that shall destroy any noysom Fowl or Vermin in manner

ner following; Any person that shall bring to them any heads of old Crows, Choughs, Pyes, or Rooks, taken within their several Parishes: Every three heads one pennie; for the heads of everie six young Crows, Pies, or Rooks, taken as aforesaid, one pennie; for every six Eggs of any of them, one pennie; for everie 12. Stares heads, one pennie; all which shall be kept in some fitting place, and be brought forth once a month at least, before the Churchwardens and Taxers, or any

any three of them, and then shall make an account to them in writing, what money they have laid forth and paid for such heads and eggs, and for the heads of ravenous birds and vermin, as in the said Acts mentioned ; for every Merton, Hawes, Furse-kite, Mold-kite, Buzzard, Cormerant or Ring-tail, two pence ; for two eggs of them one pennie ; every Iron or Os-prays-head, four pence, every Woodal, Pie, Jay, Raven, or Kite one penny ; every Kings-fisher one pennie, every Bulfinch or Bird,

Bird, that spoils the buds
of Fruit one pennie, eve-
ry Fox or Grey, 12. pence,
every Fitchew, Polcat,
Weasel, Stote, Faire, Bad-
ger, Wildcat, one pennie;
every Otter or Hedghog,
two pence; every three
Rats heads or Mice, one
pennie; Every Molewarp
or Want, an half pennie;
the head of all the Birds
or Vermine last mention-
ed, the distribution shall
pay and give to the bring-
er of them, for everie
head taken within their
Parish, and shall keep the
same to be shewed forth
upon their account as a-
fore-

foresaid; all which said heads and eggs, shall be forthwith after such accompt made in the presence of the said Churchwardens & Taxers, or of three of them, burned, cōsumed, or cut insunder.

And if upon accompt that there shall be any Monies in the hands of any of the distributors, the same shall then be delivered over to such persons as shall be elected and chosen for the year ensuing, by bill indented as aforesaid; provided alwaies that this shall not extend

extend to give any liberty, license or authority, to any person or persons whatsoever to use or exercise any means, or enquire for the destruction of Crows, or Rooks, Choughs, or other Vermine aforesaid, in any place or places, to the destruction or disturbance of the building or breeding of any kind of Hawks, Hernes, Egrets, Paupers, Swans or Shovelers, to the hurt and destruction of any Doves, Dove-houses, Deer, or Warren, or Conies, nor to give or appoint any sum or sums of Money to be given, paid or distributed to any person or persons of the Heads of any Buzzard, Ringtail, Herne, Polcat, Fitchew, or Stote, that shall or may be taken in any Warren or ground employed for Conies,

Conies, or to the taking of any Stares in Dove-houses, neither to the destruction or bringing of any Kite or Raven killed in any City or Town Corporate, or within two miles of the same.

There are two Statutes made in the aid and assistance of Constables and Churchwardens; one 7 Jac. cap. 5. the other 21 Jac. cap. 5. the sum and effect of both which Statutes are as followeth: The first declares that whereas there are many causeless and contentious suites commenced against Justices of the Peace, Mayors of Cities, or Bayliffs; of Corporate Towns, Head-burrows, Constables, Collectors of Subsidies, and Fifteens, that have been molested or troubled for the execution

tion of their Office, by contentious and ill-disposed persons, to their discouragement in the execution or doing their offices, it is enacted by the said 7 Jac. cap. 5. that if any Action, Bill, or Suite, account on the case, Trespass, Battery, or false Imprisonment shall be brought after fourty days next after the end of that Session of Parliament, in any of his Majesties Courts at *Westminster* or elsewhere against any Justice of Peace, Mayor, Bayliff, of any City, or Town, Corporate, Head-burrow, Constable, Tything-man, Collector of Subsidy or Fifteens, for or concerning any matter or cause by them or any of them done by vertue of their or any of their office or offices, that it
shall

shall be lawful to or for any such Justice of Peace, Mayor, Bayliff, Constable, or other Officer or Officers before named, and all others; that in in their aid and assistance, or by their commandment, shall do any thing touching or concerning his or their Office or Offices, to plead the general issue that he or they are not guilty, and to give such special matter in evidence to the Jury, that shall try the same, which special matter being pleaded, had been a good and sufficient matter in Law, to have discharged the said defendant or defendants of the trespass, or the other matter laid to his or their charge; and that if the verdict shall pass with the said defendant or defendants, in any such actions,

actions, or the Plaintiff or Plaintiffs, become Nonsuite, or suffer any discontinuance thereof, that in every such case the Justice or Justices, or other Judges, before whom the said matter shall be tryed, shall by force and vertue of this Act, allow unto the defendant or defendants, his or their double costs, which he or they shall have sustained by reason of their wrongful vexation, in defence of the said Action or Suite, for which the defendant or defendants, shall have like remedy as in other cases, where costs by the Laws of this Realm are given to the defendants. And this Act is to continue for seven years, and from thence to the end of the next Parliament, after the said Parliament.

The

The other Statute being
 21 Jac. cap. 12. declares the
 afore recited Statute of 7 Jac.
 cap. 5. to be perpetual. And
 that all Church-wardens and
 all persons called Swornmen,
 executing the office of Church-
 wardens, and all overseers of
 the Poor, and all others which
 in their aide and assistance, or
 by their commandment shall
 do any thing touching his or
 their Office or Offices, shall
 hereafter be enabled to re-
 ceive, and have such benefit
 and help by vertue of the said
 Act, to all intents and construc-
 tions and purposes, as if they
 had been specially named
 therein.

And whereas notwithstanding
 by the said Statute, the
 Plaintiff is at liberty to lay his
 account, which he shall bring
 against

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against any Justice of Peace; or other Officer in any foreign County at his choice, which hath proved very inconvenient unto sundry of the Officers and persons aforesaid, that have been impleaded by some contentious & troublesome persons in Countries far remote from their places of habitations: It is enacted by this Statute, that if any Action, Bill, Plaintiff or Suit upon the case; Trespass, Battery or false Imprisonment shall be brought after the end of this Session of Parliament, against any Justice of Peace, Mayor or Bayliff of City or Town Corporate, Head-borough, Constable, Tythingman, Collector of Subsidies or Fifteens, Church-wardens and persons called Swornmen, executing

enting the Office of Church-
wardens or Overseers of the
Poor, and their Deputies or a-
ny of them, or any other which
in their aid and assistance, or
by their commandment shall
do any thing touching or
concerning his or their Office
or Offices for, or concerning
any matter, cause, or thing, by
them or any of them done by
virtue or reason of their or a-
ny of their Office or Offices :
That the said Account, Bill,
Plant or Suit, shall be laid
within the County, where the
Trespass or Fact shall be done
and committed, and not else-
where : And that it shall be
lawful to, and for all and eve-
ry person and persons afore-
said, to plead there unto the
general issue, that he or they
are not guilty, and to give in
such

such special matter in evidence to the Jury, which shall try the same as in and by the said former Act, is limited and declared: And that if upon the tryal of any such Action, Bill, Plant or suit, the Plaintiff or Plaintiffs therein shall not prove to the Jury which shall try the same, that the Trespass, Battery, Imprisonment or other fact or cause of his, her or their such accounts, Bill, Plant or Suit, was or were had, made, committed or done within the County, where such account, bill, plant or suit shall be laid: That then in every such case the Jury which shall try the same, shall find the defendant and defendants in every such Account, Bill, Plant, or Suit, not guilty, without having any regard

or

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or respect to any evidence given by the Plaintiff, or Plaintiffs, therein touching the Trespass, Battery, Imprisonment, or other cause, for which the same Account, Bill, - Plant or Suit, is or shall be brought; And if the verdict shall pass with the defendant or defendants, in any such Account, Bill, or Plant or Suit, or the Plaintiff or Plaintiffs, therein become Non-suit, or suffer any discontinuance thereof, that in every such case, the defendant or defendants, shall have such double costs, and all other advantages and remedies, as in and by the said former Act is limited, directed and provided.

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